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7

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12	ETHAN BERRY,	)	
13	Plaintiff,	)	CIVIL NO. 03-03617 SBA
14	v.	)	STIPULATION AND ORDER
15	JO ANNE B. BARNHART,	)	APPROVING COMPROMISE
16	Commissioner of Social Security,	)	SETTLEMENT OF ATTORNEY
17	Defendant.	)	FEES PURSUANT TO THE EQUAL
		)	<u>ACCESS TO JUSTICE ACT</u>

18 The plaintiff's attorney having met the criteria of L.R. 54-6, by meeting and conferring with  
19 defendant, IT IS HEREBY STIPULATED by and between the parties through their undersigned  
20 counsel, subject to approval by the Court, that plaintiff's attorney receive the following payment:

21 1. Defendant shall pay ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00),  
22 pursuant to the Equal Access to Justice Act (EAJA), for attorney fees incurred in this court action.

23 The check is to be payable to plaintiff's counsel:

24 PHYLLIS A. MATYI  
P.O. BOX 426  
25 LARKSPUR, CA 94977  
26 (415) 924-3822 (415) 927-0363

27 2. This is a settlement of plaintiff's request for attorney fees pursuant to EAJA, and does not  
28 constitute an admission of liability or fault on the part of defendant under the Equal Access to Justice

1 Act.

2 3. Payment of the ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) EAJA  
3 fees incurred in this court action, will constitute a complete release from and bar to any and all  
4 claims, rights, causes of action, liens or subrogated interests relating to attorney fees pursuant to the  
5 EAJA, or costs as a result of this court action.

6  
7  
8 Dated: October 15, 2006

/s/  
PHYLLIS A. MATYI  
Attorney for Plaintiff

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11 KEVIN V. RYAN  
12 United States Attorney

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14 Dated: October 16, 2006

By: /s/  
SARA WINSLOW  
Assistant United States Attorney

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16  
17 PURSUANT TO STIPULATION, IT IS SO ORDERED:  
18  
19

20  
21 Dated: 10/30/06

  
SAUNDRA B. ARMSTRONG  
United States District Judge